

TREATY SERIES, No. 536
PACIFIC SETTLEMENT
OF INTERNATIONAL DISPUTES

CONVENTION
BETWEEN THE UNITED STATES OF AMERICA
AND OTHER POWERS

Signed at The Hague, October 18, 1907.
Ratification advised by the Senate of the United States, with understanding and declarations, April 2, 1908.
Ratified by the President of the United States, February 23, 1909.
Ratification of the United States of America deposited with the Netherland Government, November 27, 1909.
Proclaimed by the President of the United States, February 28, 1910.

By The President Of The United States of America.

A PROCLAMATION.

WHEREAS a Convention for the Pacific Settlement of International Disputes was concluded and signed at The Hague on October 18, 1907, by the respective Plenipotentiaries of the United States of America, Germany, the Argentine Republic, Austria-Hungary, Belgium, Bolivia, Brazil, Bulgaria, Chile, China, Colombia, Cuba, Denmark, the Dominican Republic, Ecuador, Spain, France, Great Britain, Greece, Guatemala, Haiti, Italy, Japan, Luxemburg, Mexico, Montenegro, Norway, Panama, Paraguay, the Netherlands, Peru, Persia, Portugal, Roumania, Russia, Salvador, Servia, Siam, Sweden, Switzerland, Turkey, Uruguay, and Venezuela, the original of which Convention, being in the French language is word for word as follows:

(Translation)

I.

CONVENTION

For The Pacific Settlement Of International Disputes

His majesty the German Emperor, King of Prussia;
the President of the United States of America;
the President of the Argentine Republic; His majesty
the Emperor of Austria; King of Bohemia, etc.,
and Apostolic King of Hungary; His majesty the King of
the Belgians; the President of the Republic of Bolivia;
the President of the Republic of the United States of
Brazil; His Royal Highness the Prince of Bulgaria;
the President of the Republic of Chile; His Majesty
the Emperor of China; the President of the Republic
of Colombia; the Provisional Governor of the Republic
of Cuba; His Majesty the King of Denmark; the President
of the Dominican Republic; the President of the Republic
Ecuador; His Majesty the King of Spain; the President
of the French Republic; His Majesty the King of the
United Kingdom of Great Britain and Ireland and of the
British Dominions beyond the Seas, Emperor of India;
His majesty the King of the Hellenes; the President
of the Republic of Guatemala; the President of the
Republic of Haiti; His majesty the King of Italy; His
Majesty the Emperor of Japan; His Royal Highness the
Grand Duke of Luxembourg; Duke of Nassau; the President
of the United Mexican States; His Royal Highness the
Prince of Montenegro; His Majesty the King of Norway;
the President of the Republic of Panama; the President
of the Republic of Paraguay; Her Majesty the Queen of
the Netherlands; the President of the Republic of Peru;
His Imperial Majesty the Shah of Persia; His Majesty
the King of Portugal and of the Algarves, etc; His
majesty the King of Rumania; His majesty the Emperor
of All the Russias; the President of the Republic of
Salvador; His majesty the King of Serbia; His majesty
the King of Siam; His Majesty the King of Sweden;
the Swiss Federal Council; His majesty the Emperor of
the Ottomans; the President of the Oriental Republic
of Uruguay; the President of the United States of
Venezuela:

Animated by the sincere desire to work for the maintenance of general peace;

Resolved to promote by all the efforts in their power the friendly settlement of international disputes;

Recognizing the solidarity uniting the members of the society of civilized nations;

Desirous of extending the empire of law and of strengthening the appreciation of international justice;

Convinced that the permanent institution of a tribunal of arbitration accessible to all, in the midst of independent powers, will contribute effectively to this result;

Having regard to the advantages attending the general and regular organization of the procedure of arbitration:

Sharing the opinion of the august initiator of the International Peace Conference that it is expedient to record in an international agreement the principles of equity and right on which are based the security of states and the welfare of peoples;

Being desirous, with this object of insuring the better working in practice of commissions of inquiry and tribunals of arbitration, and of facilitating recourse to arbitration in cases which allow of a summary procedure;

Have deemed it necessary to revise in certain particulars and to complete the work of the First Peace Conference for the pacific settlement of international disputes;

The High Contracting Parties have resolved to conclude a new convention for this purpose, and have appointed the following as their plenipotentiaries:

List of plenipotentiaries follows:

Who, after having desposited their full powers, found in good and due form, have agreed upon the following:

PART I. THE MAINTENANCE OF GENERAL PEACE

ARTICLE 1.

With view to obviating as far as possible resources to force in the relations between states, the Contracting Powers agree to use their best efforts to insure the pacific settlement of international differences.

PART II. GOOD OFFICES AND MEDIATION

ARTICLE 2.

In case of serious disagreement or dispute, before an appeal to arms, the Contracting Powers agree to have recourse, as far as circumstances allow, to the good offices or mediation of one or more friendly powers.

ARTICLE 3.

Independently of this recourse, the Contracting Powers deem it expedient and desirable that one or more powers, strangers to the dispute, should, on their own initiative and as far as circumstances may allow, offer their good offices or mediation to the states at variance.

Powers strangers to the dispute have the right to offer good offices or mediation even during the course of hostilities.

The exercise of this right can never be regarded by either of the parties in dispute as an unfriendly act.

ARTICLE 4.

The part of the mediator consists in reconciling the opposing claims and appeasing the feelings of resentment which may have arisen between the states at variance.

ARTICLE 5.

The functions of the mediator are at an end when once it is declared, either by one of the parties to the dispute or by the mediator himself, that the means of reconciliation proposed by him are not accepted.

ARTICLE 6.

Good offices and mediation undertaken either at the request of the parties in dispute or on the initiative of powers strangers to the dispute have exclusively the character of advice, and never have binding force.

ARTICLE 7.

The acceptance of mediation cannot, unless there be an agreement to the contrary, have the effect of interrupting, delaying, or hindering mobilization or other measures of preparation for war.

If it takes place after the commencement of hostilities, the military operations in progress are not interrupted in the absence of an agreement in the contrary.

ARTICLE 8.

The Contracting Powers are agreed in recommending the application when circumstances allow, of special mediation in the following form:

In case of serious difference endangering peace, the states at variance choose respectively a power, to which they intrust the mission of entering into direct communication with the power chosen on the other side, with the object of preventing the rupture of pacific relations.

For the period of this mandate, the term of which, unless otherwise stipulated, cannot exceed thirty days, the states in dispute cease from all direct communication on the subject of the dispute, which is regarded as referred exclusively to the mediating powers, which must use their best efforts to settle it.

In case of a definite rupture of pacific relations, these powers are charged with the joint task of taking advantage of any opportunity to restore peace.

ARTICLE 9.

In disputes of an international nature involving neither honor nor vital interests, and arising from a difference of opinion on points of fact, the Contracting Powers deem it expedient and desirable that the parties who have not been able to come to an agreement by means of diplomacy should, as far as circumstances allow, institute an international commission of inquiry, to facilitate a solution of these disputes by elucidating the facts by means of an impartial and conscientious investigation.

ARTICLE 10.

International commissions of inquiry are constituted by special agreement between the parties in dispute.

The inquiry convention defines the facts to be examined; it determines the mode and time in which the commission is to be formed and the extent of the powers of the commissioners.

It also determines, if there is need, where the commission is to sit, and whether it may remove to another place, the language the commission shall use and the languages the use of which shall be authorized before it, as well as the date on which each party must deposit its statement of facts, and generally speaking, all the conditions upon which the parties have agreed.

If the parties consider it necessary to appoint assessors, the convention of inquiry shall determine the mode of their selection and the extent of their powers.

ARTICLE 11.

If the inquiry convention has not determined where the commission is to sit, it will sit at The Hague.

The place of meeting, once fixed cannot be altered by the commission except with the assent of the parties.

If the inquiry convention has not determined what languages are to be employed, the question shall be decided by the commission.

ARTICLE 12.

Unless an undertaking is made to the contrary, commissions of inquiry shall be formed in the manner determined by articles 45 and 57 of the present convention.

ARTICLE 13.

Should one of the commissioners or one of the assessors, should there be any, either die, or resign, or be unable for any reason whatever to discharge his functions, the same procedure is followed for filling the vacancy as was followed for appointing him.

ARTICLE 14.

The parties are entitled to appoint special agents to attend the commission of inquiry, whose duty it is to represent them and to act as intermediaries between them and the commission.

They are further authorized to engage counsel or advocates, appointed by themselves, to state their case and uphold their interests before the commission.

ARTICLE 15.

The International Bureau of the Permanent Court of Arbitration acts as registry for the commission which sit at The Hague, and shall place its offices and staff at the disposal of the Contracting Powers for the use of the commission of inquiry.

ARTICLE 16.

If the commission meets elsewhere than at The Hague, it appoints a secretary general, whose office serves as registry.

It is the function of the registry, under the control of the president, to make the necessary arrangements for the sitting of the commission, the preparation of the minutes, and, while the inquiry lasts, for the charge of the archives, which shall subsequently be transferred to the International Bureau at The Hague.

ARTICLE 17.

In order to facilitate the constitution and working of commissions of inquiry, the Contracting Powers recommend the following rules, which shall be applicable to the inquiry procedure in so far as the parties do not adopt other rules.

ARTICLE 18.

The commission shall settle the details of the procedure not covered by the special inquiry convention or the present convention, and shall arrange all the formalities required for dealing with the evidence.

ARTICLE 19.

On the inquiry both sides must be heard.

At the dates fixed, each party communicates to the commission and to the other party the statements of facts, if any, and, in all cases, the instruments, papers, and documents which it considers useful for ascertaining the truth, as well as the list of witnesses and experts whose evidence it wishes to be heard.

ARTICLE 20.

The commission is entitled, with the assent of the parties, to move temporarily to any place where it considers it may be useful to have recourse to this means of inquiry or to send one or more of its members. Permission must be obtained from the state on whose territory it is proposed to hold the inquiry.

ARTICLE 21.

Every investigation, and every examination of a locality, must be made in the presence of the agents and counsel of the parties or after they have been duly summoned.

ARTICLE 22.

The commission is entitled to ask either party for such explanations and information as it considers necessary.

ARTICLE 23.

The parties undertake to supply the commission of inquiry, as fully as they may think possible, with all means and facilities necessary to enable it to become completely acquainted with, and to accurately understand, the facts in question.

They undertake to make use of the means at their disposal, under their municipal law, to insure the appearance of the witnesses or experts who are in their territory and have been summoned before the commission.

If the witnesses or experts are unable to appear before the commission, the parties will arrange for their evidence to be taken before the qualified officials of their own country.

ARTICLE 24.

For all notices to be served by the commission in the territory of a third Contracting Power, the commission shall apply direct to the Government of the said power. The same rule applies in the case of steps being taken on the spot to procure evidence.

The requests for this purpose are to be executed so far as the means at the disposal of the power applied to under its municipal law allow. They cannot be rejected unless the power in question considers they are calculated to impair its sovereign rights or its safety.

The commission will equally be always entitled to act through the power on whose territory it sits.

ARTICLE 25.

The witnesses and experts are summoned on the request of the parties or by the commission of its own motion, and, in every case, through the Government of the state in whose territory they are.

The witnesses are heard in succession and separately, in the presence of the agents and counsel, and in the order fixed by the commission.

ARTICLE 26.

The examination of witnesses is conducted by the president.

The members of the commission may, however, put to each witness questions which they consider likely to throw light on and complete his evidence, or get information on any point concerning the witness within the limits of what is necessary in order to get at the truth.

The agents and counsel of the parties may not interrupt the witness when he is making his statement, nor put any direct question to him, but they may ask the president to put such additional questions to the witness as they think expedient.

ARTICLE 27.

The witness must give evidence without being allowed to read any written draft. He may, however, be permitted by the president to consult notes or documents if the nature of the facts referred to necessitates their employment.

ARTICLE 28.

A minute of the evidence of the witness is drawn up forthwith and read to the witness. The latter may make such alterations and additions as he thinks necessary, which will be recorded at the end of his statement.

When the whole of his statement has been read to the witness, he is asked to sign it.

ARTICLE 29.

The agents are authorized, in the course of or at the close of the inquiry, to present in writing to the commission and to the other party such statements, requisitions, or summaries of the facts as they consider useful for ascertaining the truth.

ARTICLE 30.

The commission considers its decisions in private and the proceedings are secret.

All questions are decided by a majority of the members of the commission.

If a member declines to vote, the fact must be recorded in the minutes.

ARTICLE 31.

The sittings of the commission are not public, nor the minutes and documents connected with the inquiry published except in virtue of a decision of the commission taken with the consent of the parties.

ARTICLE 32.

After the parties have presented all the explanations and evidence, and the witnesses have all been heard, the president declares the inquiry terminated, and the commission adjourns to deliberate and to draw up its report.

ARTICLE 33.

The report is signed by all members of the commission.

If one of the members refuses to sign, the fact mentioned; but the validity of the report is not affected.

ARTICLE 28.

A minute of the evidence of the witness is drawn up forthwith and read to the witness. The latter may make such alterations and additions as he thinks necessary, which will be recorded at the end of his statement.

When the whole of his statement has been read to the witness, he is asked to sign it.

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After the parties have presented all the explanations and evidence, and the witnesses have all been heard, the president declares the inquiry terminated, and the commission adjourns to deliberate and to draw up its report.

ARTICLE 33.

The report is signed by all members of the commission.

If one of the members refuses to sign, the fact mentioned; but the validity of the report is not affected.

ARTICLE 34.

The report of the commission is read at a public sitting, the agents and counsel of the parties being present or duly summoned.

A copy of the report is given to each party.

ARTICLE 35.

The report of the commission is limited to a statement of facts, and has in no way the character of an award. It leaves to the parties entire freedom as to the effect to be given to the statement.

ARTICLE 36.

Each party pays its own expenses and an equal share of the expenses incurred by the commission.

PART IV. INTERNATIONAL ARBITRATION

Chapter I.-The system of arbitration

ARTICLE 37.

International arbitration has for its object the settlement of disputes between states by judges of their own choice and on the basis of respect for law.

Recourse to arbitration implies an engagement to submit in good faith to the award.

ARTICLE 38.

In questions of a legal nature, and especially in the interpretation or application of international conventions, arbitration is recognized by the Contracting Powers as the most effective and, at the same time, the most equitable means of settling disputes which diplomacy has failed to settle.

Consequently, it would be desirable that, in disputes about the above-mentioned questions, the Contracting Powers should, if the case arose, have recourse to arbitration, in so far as circumstances permit.

ARTICLE 39.

The arbitration convention is concluded for disputes already existing and for disputes which may arise in the future.

It may embrace any dispute or only disputes of a certain category.

ARTICLE 40.

Independently of general or private treaties expressly stipulating recourse to arbitration as obligatory on the Contracting Powers, the said powers reserve to themselves the right of concluding new agreements, general or particular, with a view to extending compulsory arbitration to all cases which they may consider it possible to submit to it.

Chapter II. The Permanent Court of Arbitration

ARTICLE 41.

With the object of facilitating an immediate recourse to arbitration for international differences, which it has not been possible to settle by diplomacy, the Contracting Powers undertake to maintain the Permanent Court of Arbitration, as established by the First Peace Conference, accessible at all times and operating, unless otherwise stipulated by the parties, in accordance with the rules of procedure inserted in the present condition.

ARTICLE 42.

The Permanent Court is competent for all arbitration cases, unless the parties agree to institute a special tribunal.

ARTICLE 43.

The Permanent Court sits at The Hague.

An International Bureau serves as registry for the Court. It is the channel for communications relative to the meetings of the Court; it has charge of the archives and conducts all the administrative business.

The Contracting Powers undertake to communicate to the Bureau, as soon as possible, a certified copy of any conditions of arbitration arranged at between them and of any award concerning them delivered by a special tribunal.

They likewise undertake to communicate to the Bureau the laws, regulations, and documents eventually showing the execution of the awards given by the Court.

ARTICLE 44.

Each Contracting Power selects four persons at the most, of known competency in questions of international law, of the highest moral reputation, and disposed to accept the duties of arbitrator.

The persons thus selected are inscribed, as members of the Court, in a list which shall be notified to all the Contracting Powers by the Bureau.

Any alteration in the list of arbitrators is brought by the Bureau to the knowledge of the Contracting Powers.

Two or more powers may agree on the selection in common of one or more members.

The same person can be selected by different powers. The members of the Court are appointed for a term of six years. These appointments are renewable.

Should a member of the Court die or resign, the same procedure is followed for appointing him. In this case the appointment is made for a fresh period of six years.

ARTICLE 45.

When the Contracting Powers wish to have recourse to the Permanent Court for the settlement of a difference which has arisen between them, the arbitrators called upon to form the tribunal with jurisdiction to decide must be chosen from the general list of members of the Court.

Failing the direct agreement of the parties on the composition of the arbitration tribunal, the following course shall be pursued:

Each party appoints two arbitrators, of whom one only can be its national or chosen from among the persons selected by it as members of the Permanent Court. These arbitrators together choose an umpire.

If the votes are equally divided, the choice of the umpire is intrusted to a third power, selected by the parties by common accord.

If an agreement is not arrived at on this subject, each party selects a different power, and the choice of the umpire is made in concert by the powers thus selected.

If within two months time these two powers cannot come to an agreement, each of them presents two candidates taken from the list of members of the Permanent Court, exclusive of the members selected by the parties and not being national of either of them. Drawing lots determines which of the candidates thus presented shall be umpire.

ARTICLE 46.

The tribunal being thus composed, the parties notify to the Bureau their determination to have recourse to the Court, the text of their compromis and the names of the arbitrators.

The Bureau communicates without delay to each arbitrator the compromise, and the names of the other members of the tribunal.

The tribunal assembles at the date fixed by the parties. The Bureau makes the necessary arrangements for the meeting.

The members of the tribunal, in the exercise of their duties and out of their own country, enjoy diplomatic privileges and immunities.

ARTICLE 47.

The Bureau is authorized to place its offices and staff at the disposal of the Contracting Powers for the use of any special board of arbitration.

The jurisdiction of the Permanent Court may, within the conditions laid down in the regulations, be extended to disputes between non-contracting powers or between contracting powers and noncontracting powers, if the parties are agreed on recourse to this tribunal.

ARTICLE 48.

The Contracting Powers consider it their duty, if a serious dispute threatens to break out between two or more of them, to remind these latter that the Permanent Court is open to them.

Consequently, they declare that the fact of reminding the parties at variance of the provisions of the present convention, and the advice given to them, in the highest interests of peace, to have recourse to the Permanent Court, can only be regarded as friendly actions.

In case of dispute between two powers, one of them can always address to the International Bureau a note containing a declaration that it would be ready to submit the dispute to arbitration.

The Bureau must at once inform the other power of the declaration.

ARTICLE 49.

The Permanent Administrative Council, composed of the diplomatic representatives of the Contracting Powers accredited to The Hague and of the Netherland Minister for Foreign Affairs, who will act as President, is charged with the direction and control of the International Bureau.

The Council settles its rules of procedure and all other necessary regulation.

The Bureau communicates without delay to each arbitrator the compromise, and the names of the other members of the tribunal.

The tribunal assembles at the date fixed by the parties. The Bureau makes the necessary arrangements for the meeting.

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The Council settles its rules of procedure and all other necessary regulation.

It decides all questions of administration which may arise with regard to the operations of the Court.

It has entire control over the appointment, suspension, or dismissal of the officials and employees of the Bureau.

It fixes the compensation and salaries, and controls the general expenditures.

At meeting duly summoned, the presence of nine members is sufficient to render valid the discussions of the Council. The decisions are taken by a majority of votes.

The Council communicates to the Contracting Powers without delay the regulations adopted by it. It furnishes them with an annual report on the labors of the Court, the working of the administration, and the expenditure. The report likewise contains a resume of what is important in the documents communicated to the Bureau by the powers in virtue of article 43, paragraphs 3 and 4.

ARTICLE 50.

The expense of the Bureau shall be borne by the Contracting Powers in the proportion fixed for the International Bureau of the Universal Postal Union.

The expenses to be charged to the adhering powers shall be reckoned from the date on which their adhesion comes into force.

Chapter III.-Arbitration procedure.

ARTICLE 51.

With a view to encouraging the development of arbitration, the Contracting Powers have agreed on the following rules, which are applicable to arbitration procedure, unless other rules have been agreed on by the parties.

ARTICLE 52.

The powers which have recourse to arbitration sign a compromis, in which the subject of the dispute is clearly defined, the time allowed for appointing arbitrators, the form, order, and time in which the communication referred to in article 63 must be made, and the amount of the sum which each party must deposit in advance to defray the expenses.

The compromis likewise defines, if there is occasion, the manner of appointing arbitrators, any special powers which may eventually belong to the tribunal, where it shall meet, the language it shall use, and the languages the employment of which shall be authorized before it, and, generally speaking, all the conditions on which parties are agreed.

ARTICLE 53.

The Permanent Court is competent to settle the compromis, if the parties are agreed to have recourse to it for the purpose.

It is similarly competent, even if the request is made by only one of the parties, when all attempts to reach an understanding through the diplomatic channel have failed, in the case of:

1. A dispute covered by a general treaty of arbitration concluded or renewed after the present convention has come into force, and providing for a compromis in all disputes and not either explicitly or implicitly excluding the settlement of the compromis from the competence of the Court. Recourse cannot, however, be had to the Court if the other party declares that in its opinion the dispute does not belong to the category of disputes which can be submitted to compulsory arbitration, unless the treaty of arbitration confers upon the arbitration tribunal the power of deciding this preliminary question.

2. A dispute arising from contract debts claimed from one power by another power as due to its nationals, and for the settlement of which the offer of arbitration has been accepted. This arrangement is not applicable if acceptance is subject to the condition that the compromis should be settled in some other way.

ARTICLE 54.

In the cases contemplated in the preceding article, the compromis shall be settled by a commission consisting of five members selected in the manner arranged for in article 45, paragraphs 3 to 6.

The fifth member is president of the commission ex officio.

ARTICLE 55.

The duties of arbitrator may be conferred on one arbitrator alone or on several arbitrators selected by the parties as they please, or chosen by them from the members of the Permanent Court of Arbitration established by the present convention.

Failing the constitution of the tribunal by direct agreement between the parties, the course referred to in article 45, paragraphs 3 to 6, is followed.

ARTICLE 56.

When a sovereign or the chief of a state is chosen as arbitrator, the arbitration procedure is settled by him.

ARTICLE 57.

The umpire is president of the tribunal ex officio. When the tribunal does not include an umpire, it appoints its own president.

ARTICLE 58.

When the compromis is settled by a commission, as contemplated in article 54, and in the absence of an agreement to the contrary, the commission itself shall form the arbitration tribunal.

ARTICLE 59.

Should one of the arbitrators either die, retire, or be unable for any reason whatever to discharge his functions, the same procedure is followed for filling the vacancy as was followed for appointing him.

ARTICLE 60.

The tribunal sits at The Hague, unless some other place is selected by the parties.

The tribunal can sit in the territory of a third power only with the latter's consent.

The place of meeting once fixed cannot be altered by the tribunal except with the consent of the parties.

ARTICLE 61.

If the question as to what languages are to be used has not been settled by the compromis, it shall be decided by the tribunal.

ARTICLE 62.

The parties are entitled to appoint special agents to attend the tribunal to act as intermediaries between themselves and the tribunal.

They are further authorized to retain for the defense of their rights and interests before the tribunal, counsel or advocates appointed by themselves for this purpose.

The members of the Permanent Court may not act as agents, counsel, or advocates except on behalf of the power which appointed them members of the Court.

ARTICLE 63.

As a general rule, arbitration procedure comprises two distinct phases: pleadings and oral discussions.

The pleadings consist in the communication by the respective agents to the members of the tribunal and the opposite party of cases, counter-cases, and, if necessary, of replies; the parties annex hereto all papers and documents called for in the case. This communication shall be made either directly or through the intermediary of the International Bureau, in the order and within the time fixed by the compromis.

The time fixed by the compromis may be extended by mutual agreement by the parties, or by the tribunal when the latter considers it necessary for the purpose of reaching a just decision.

The discussion consist in the oral development before the tribunal of the arguments of the parties.

ARTICLE 64.

A certified copy of every document produced by one party must be communicated to the other party.

ARTICLE 65.

Unless special circumstances arise, the tribunal does not meet until the pleadings are closed.

ARTICLE 66.

The discussions are under the control of the president.

They are public only if it be so decided by the tribunal, with the assent of the parties.

They are recorded in minutes drawn up by the secretaries appointed by the president. These minutes are signed by the president and by one of the secretaries and alone have an authentic character.

ARTICLE 67.

After the close of the pleadings, the tribunal is entitled to refuse discussion of all new papers or documents which one of the parties may wish to submit to it without the consent of the other party.

ARTICLE 68.

The tribunal is free to take into consideration new papers or documents to which its attention may be drawn by the agents or counsel of the parties.

In this case, the tribunal has the right to require the production of these papers or documents, but is obliged to make them known to the opposite party.

ARTICLE 69.

The tribunal can, besides, require from the agents of the parties the production of all papers, and can demand all necessary explanations. In case of refusal the tribunal takes note of it.

ARTICLE 70.

The agents and the counsel of the parties are authorized to present orally to the tribunal all the arguments they may consider expedient in defense of their case.

ARTICLE 71.

They are entitled to raise objections and points. The decisions of the tribunal on these points are final and cannot form the subject of any subsequent discussion.

ARTICLE 72.

The members of the tribunal are entitled to put questions to the agents and counsel of the parties, and to ask them for explanations on doubtful points.

Neither the questions put, nor the remarks made by members of the tribunal in the course of the discussions, can be regarded as an expression of opinion by the tribunal in general or by its members in particular.

ARTICLE 73.

The tribunal is authorized to declare its competence in interpreting the compromis, as well as the other papers and documents which may be invoked, and in applying the principles of law.

ARTICLE 74.

The tribunal is entitled to issue rules of procedure for the conduct of the case, to decide the forms, order, and time in which each party must conclude its arguments, and to arrange all the formalities required for dealing with the evidence.

ARTICLE 75.

The parties undertake to supply the tribunal, as fully as they consider possible, with all the information required for deciding the case.

ARTICLE 76.

For all notices which the tribunal has to serve in the territory of a third Contracting Power, the tribunal shall apply direct to the Government of that power. The same rule applies in the case of steps being taken to procure evidence on the spot.

The requests for this purpose are to be executed as far as the means at the disposal of the power applied to under its municipal law allow. They cannot be rejected unless the power in question considers them calculated to impair its own sovereign rights or its safety.

The Court will equally be always entitled to act through the power on whose territory it sits.

ARTICLE 77.

When the agents and counsel of the parties have submitted all the explanations and evidence in support of their case, the president shall declare the discussion closed.

ARTICLE 78.

The tribunal considers its decisions in private and the proceedings remain secret.

All questions are decided by a majority of the members of the tribunal.

ARTICLE 79.

The award must give the reasons on which it is based. It contains the names of the arbitrators; it is signed by the president and registrar or by the secretary acting as registrar.

ARTICLE 80.

The award is read out in public sitting, the agents and counsel of the parties being present or duly summoned to attend.

ARTICLE 81.

The award, duly pronounced and notified to the agents of the parties, settles the dispute definitively and without appeal.

ARTICLE 82.

Any dispute arising between the parties as to the interpretation and execution of the award shall, in the absence of an agreement to the contrary, be submitted to the tribunal which pronounced it.

ARTICLE 83.

The parties can reserve in the compromis the right to demand the revision of the award.

In this case and unless there be an agreement to the contrary, the demand must be addressed to the tribunal which pronounced the award. It can be made only on the ground of the discovery of some new fact calculated to exercise a decisive influence upon the award and which was unknown to the tribunal and to the party which demanded the revision at the time the discussion was closed.

Proceedings for revision can be instituted only by a decision of the tribunal expressly recording the existence of the new fact, recognizing in it the character described in the preceding paragraph, and declaring the demand admissible on this ground.

The compromis fixes the period within which the demand for revision must be made.

ARTICLE 84.

The award is not binding except on the parties in dispute.

When it concerns the interpretation of a convention to which powers other than those in dispute are parties, they shall inform all the signatory powers in good time. Each of these powers is entitled to intervene in the case. If one or more avail themselves of this right, the interpretation contained in the award is equally binding on them.

ARTICLE 85.

Each party pays its own expenses and an equal share of the expenses of the tribunal.

Chapter IV.-Arbitration by summary procedure

ARTICLE 86.

With a view to facilitating the working of the system of arbitration in disputes admitting of a summary procedure, the Contracting Powers adopt the following rules, which shall be observed in the absence of other arrangements and subject to the reservation that the provisions of chapter III apply so far as may be.

ARTICLE 87.

Each of the parties in dispute appoints an arbitrator. The two arbitrators thus selected choose an umpire. If they do not agree on this point, each of them proposes two candidates taken from the general list of the members of the Permanent Court exclusive of the members appointed by either of the parties and not being nationals of either of them; which of the candidates thus proposed shall be the umpire is determined by lot.

The umpire presides over the tribunal, which gives its decisions by a majority of votes.

ARTICLE 88.

In the absence of any previous agreement the tribunal, as soon as it is formed, settles the time within which the two parties must submit their respective cases to it.

ARTICLE 89.

Each party is represented before the tribunal by an agent, who serves as intermediary between the tribunal and the Government which appointed him.

ARTICLE 90.

The proceedings are conducted exclusively in writing. Each party, however, is entitled to ask that witnesses and experts should be called. The tribunal, has, for its part, the right to demand oral explanations from the agents of the two parties, as well as from the experts and witnesses whose appearance in court it may consider useful.

PART V. FINAL PROVISIONS

ARTICLE 91.

The present convention, duly ratified, shall replace, as between the Contracting Powers, the Convention for the Pacific Settlement of International Disputes of the 29th of July, 1899.

ARTICLE 92.

The present convention shall be ratified, as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a proces-verbal signed by the representatives of the powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification, addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the proces-verbal relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, and of the instruments of ratification, shall be immediately sent by the Netherland Government, through the diplomatic channel, to the powers invited to the Second Peace Conference, as well as to the other powers which shall have adhered to the convention. In the cases contemplated in the preceding paragraph, the said Government shall at the same time inform the powers of the date on which it received the notification.

ARTICLE 93.

Nonsignatory powers which have been invited to the Second Peace Conference may adhere to the present convention.

The power which desires to adhere notifies its intentions in writing to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

This Government shall immediately forward to all the other powers invited to the Second Peace Conference a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification.

ARTICLE 94.

The conditions on which the powers which have not been invited to the Second Peace Conference may adhere

to the present convention shall form the subject of any subsequent agreement between the Contracting Powers.

ARTICLE 95.

The present convention shall take effect, for those powers which participate in the first deposit of ratifications, sixty days after the date of the proces-verbal of this deposit, and, in the case of the powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

ARTICLE 96.

In the event of one of the Contracting Parties wishing to denounce the present convention, the denunciation shall be notified in writing to the Netherland Government, which shall immediately communicate a duly certified copy of the notification to all the other powers informing them of the date on which it was received.

The denunciation shall have effect only in regard to the notifying power, and one year after the notification has reached the Netherland Government.

ARTICLE 97.

A register kept by the Netherland Minister of Foreign Affairs shall give the date of the deposit of ratifications effected in virtue of article 92, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (article 93, paragraph 2) or of denunciation (article 96, paragraph 1) have been received.

Each Contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

IN FAITH WHEREOF, the plenipotentiaries have appended their signatures to the present convention.

^{DONE} at The Hague, the 18th of October, 1907, in a copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Contracting Powers.

(signatures follow)

Certified a true copy:

The Secretary-General
of the Ministry of Foreign Affairs of the Netherlands,
VAN NEMA